

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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: **Chapter 11**
: **Case No. 08-13555 (JMP)**
: **(Jointly Administered)**
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| In re | : | |
| LEHMAN BROTHERS HOLDINGS INC., et al., | : | |
| Debtors. | : | |

**ORDER ESTABLISHING HEARING ON PLAN ADMINISTRATOR'S
OMNIBUS OBJECTION TO CLAIMS FILED BY DEBORAH E. FOCHT**

WHEREAS, on January 29, 2013, Lehman Brothers Holdings Inc., as Plan Administrator pursuant to the Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors for the entities in the above-referenced chapter 11 cases (the "Plan Administrator"), filed an omnibus objection (the "Objection") to five claims of Deborah E. Focht ("Focht") (ECF No. 34303); and

WHEREAS, the Objection was originally scheduled for hearing on February 28, 2013; and

WHEREAS, on February 21, 2013, Focht filed a response to the Objection (the "Response") (ECF No. 35026); and

WHEREAS, at Focht's request, the hearing to consider the Objection was adjourned until March 28, 2013; and

WHEREAS, on March 22, 2013, the hearing to consider the Objection was further adjourned until April 25, 2013; and

WHEREAS, on March 25, 2013, Focht filed an amended response to the Objection (the "Amended Response") (ECF No. 36165); and

WHEREAS, on April 22, 2013, the Plan Administrator filed a reply to the Response and the Amended Response (ECF No. 36737); and

WHEREAS, the Court held its first hearing to consider the Objection on April 25, 2013; and

WHEREAS, on April 30, 2013, the Court entered an order disallowing three of Focht's five claims [Claim Nos. 42914, 42915 and 42916] and adjourning the hearing on the Objection as it relates to Focht's two remaining claims [Claim Nos. 34380 and 34381] until June 13, 2013 (ECF No. 36993); and

WHEREAS, at Focht's request, the hearing on the Objection was further adjourned until June 27, 2013; and

WHEREAS, on June 20, 2013, Focht filed her second amended response (the "Second Amended Response") (ECF No. 38147); and

WHEREAS, on June 24, 2013, the Plan Administrator filed a reply to the Second Amended Response (the "June 24 Reply") (ECF No. 38138); and

WHEREAS, the hearing on the Objection was further adjourned until July 17, 2013; and

WHEREAS, on July 16, 2013, Focht filed a motion to strike the June 24 Reply; and

WHEREAS, on July 17, 2013, the Court held a second hearing on the Objection and (i) adjourned the hearing on the Objection until August 29, 2013; and (ii) directed Focht to appear in court or to obtain counsel to appear on her behalf on August 29, 2013; and

WHEREAS, at Focht's request, the hearing on the Objection was adjourned until September 26, 2013; and

WHEREAS, on September 26, 2013, the Court held a third hearing on the Objection and determined that Focht would not be permitted to request any further adjournments of the hearing on the Objection.

NOW THEREFORE, for the reasons set forth by the Court on the record at the September 26, 2013 hearing, it is hereby ORDERED that:

1. A hearing on the Objection shall be held on **October 24, 2013 at 10:00 a.m. (EST)**.
2. Focht shall not be entitled to seek a further adjournment of the October 24, 2013 hearing.
3. **If Focht fails to appear in person or through counsel at the October 24, 2013 hearing, the Court will hear final arguments from the Plan Administrator. The consequence of Focht's failure to appear, or to obtain counsel to appear on her behalf, at the October 24 hearing will be the expungement of Claim Nos. 34380 and 34381 with prejudice.**

Dated: New York, New York
September 30, 2013



/s/ James M. Peck

Honorable James M. Peck
United States Bankruptcy Judge